

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC S. BOWKER, : **CIVIL ACTION NO. 1:05-CV-0040**

Plaintiff : (Judge Conner)

v.

UNITED STATES OF AMERICA, :

Defendant :

ERIC S. BOWKER, : **CIVIL ACTION NO. 1:05-CV-0063**

Plaintiff : (Judge Conner)

v.

UNITED STATES OF AMERICA, :

Defendant :

ERIC S. BOWKER, : **CIVIL ACTION NO. 1:05-CV-0145**

Plaintiff : (Judge Conner)

v.

UNITED STATES OF AMERICA, :

Defendant :

MEMORANDUM

The string of cases captioned above, like several others filed by Eric S. Bowker, a prisoner of a federal corrections institution in Pennsylvania, represents

an abuse of the judicial process.¹ Each complaint seeks monetary relief under the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680, and asserts, in a single allegation and without further elaboration, that Mr. Bowker has “many claims against various federal employees and agencies” relating to the confiscation of unidentified “legal materials.” None of the complaints suggest that Mr. Bowker has met jurisdictional prerequisites to suit against the United States. All of the complaints were filed while Mr. Bowker had numerous similar cases pending in this district, after two others had been either dismissed or transferred, and before he filed five additional complaints in substantially the same form.²

Since these complaints were filed, several other cases commenced by Mr. Bowker have been dismissed by this court as frivolous.³ The analysis provided in those opinions applies with equal force here. The pending applications to proceed

¹ These cases have been consolidated solely for purposes of this decision. See FED. R. Civ. P. 42.

² See Bowker v. Lyons, No. 1:03-CV-2340 (M.D. Pa. commenced Dec. 3, 2003); Bowker v. United States, No. 1:04-CV-1563 (M.D. Pa. commenced July 19, 2004); Bowker v. United States, No. 1:04-CV-1999 (M.D. Pa. commenced Sept. 9, 2004); Bowker v. United States, No. 1:04-CV-2400 (M.D. Pa. commenced Nov. 2, 2004); Bowker v. Guyser, No. 1:05-CV-0146 (M.D. Pa. commenced Jan. 21, 2005) (pending); Bowker v. United States, No. 1:05-CV-0274 (M.D. Pa. commenced Feb. 8, 2005); Bowker v. United States, No. 1:05-CV-0275 (M.D. Pa. commenced Feb. 8, 2005); Bowker v. United States, No. 1:05-CV-0276 (M.D. Pa. commenced Feb. 8, 2005); Bowker v. United States, No. 1:05-CV-0560 (M.D. Pa. commenced Mar. 21, 2005) (pending); Bowker v. United States, No. 1:05-CV-0561 (M.D. Pa. commenced Mar. 21, 2005) (pending).

³ See Bowker v. United States, No. 1:05-CV-0274 (M.D. Pa. dismissed Mar. 23, 2005); Bowker v. United States, No. 1:05-CV-0275 (M.D. Pa. dismissed Mar. 23, 2005); Bowker v. United States, No. 1:05-CV-0276 (M.D. Pa. dismissed Mar. 23, 2005). Another case commenced by Mr. Bowker has been dismissed as both frivolous and malicious. Bowker v. United States, No. 1:04-CV-1999 (M.D. Pa. dismissed Mar. 23, 2005).

in forma pauperis in the above-captioned cases will be granted, and the complaints will be dismissed as frivolous. See 28 U.S.C. § 1915(e)(2).

An appropriate order will issue.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

Dated: April 25, 2005

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ERIC S. BOWKER, : **CIVIL ACTION NO. 1:05-CV-0040**

Plaintiff : (Judge Conner)

v.

UNITED STATES OF AMERICA, :

Defendant :

ERIC S. BOWKER, : **CIVIL ACTION NO. 1:05-CV-0063**

Plaintiff : (Judge Conner)

v.

UNITED STATES OF AMERICA, :

Defendant :

ERIC S. BOWKER, : **CIVIL ACTION NO. 1:05-CV-0145**

Plaintiff : (Judge Conner)

v.

UNITED STATES OF AMERICA, :

Defendant :

ORDER

AND NOW, this 25th day of April, 2005, upon consideration of the complaints and motions to proceed *in forma pauperis* in the above-captioned cases, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motions to proceed *in forma pauperis* are GRANTED. See 28 U.S.C. § 1915(a).
2. The complaints are DISMISSED as frivolous and for failure to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2).
3. Leave to amend is DENIED. See *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002).
4. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).
5. The Clerk of Court is directed to CLOSE the above-captioned cases.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge